

ZONING CHANGE REVIEW SHEET

CASE: C14-2007-0067

PC Date: June 26, 2007
July 10, 2007
July 24, 2007
August 14, 2007

ADDRESS: 3608 and 3706 Clawson

OWNER/APPLICANT: Clarita Riccobono, Richard Roberts, James Barnett

AGENT: Jay Dupont and Brad Schubert

ZONING FROM: SF-3

TO: MF-2-CO

AREA: 2.223 acres

STAFF RECOMMENDATION:

Staff alternatively recommends approval of townhouse and condominium residence (SF-6) district zoning.

PLANNING COMMISSION RECOMMENDATION:

June 26, 2007: Postponed to July 10, 2007 at the request of staff.

July 10, 2007: Postponed to July 24, 2007 at the request of the neighborhood.

July 24, 2007: Postponed to August 14, 2007 at the request of the applicant

August 14, 2007: Forwarded to Council without recommendation. [Motion for staff recommendation for SF-6 failed 3-4, a second motion to deny the rezoning request failed 4-3. Five votes are required for a motion to pass.]

ISSUES:

A petition representing 14.73% of the property within 200 of the subject tracts has been filed in opposition to this zoning request. Additional signatures have been added to that signature, and these signatures are being validated.

DEPARTMENT COMMENTS:

The applicant disagrees with staff recommendation.

This site is three lots zoned family residence (SF-3). The request is to rezone these lots to multi-family residence low density – conditional overlay (MF-2-CO) combining district zoning. The conditional overlay would limit the development to no more than 300 daily vehicle trips.

The site is bordered on the north and west by apartments on MF-2 zoned land. The property immediately to the south zoned SF-2, and is developed with a single family

home. Further south on Clawson is a mix of MF-2, SF-3, SF-6 and SF-3 zoning, with a variety of land uses ranging in intensity from apartments to undeveloped. Across Clawson to the east are duplexes on SF-3 zoned land, and an undeveloped SF-6 tract.

Staff alternatively recommends approval of townhouse and condominium residence (SF-6) district zoning. The conditional overlay would not be needed as the SF-6 limit on development is already below the proposed 300 daily vehicle trips.

Staff initial recommendation was the approval of MF-2-CO zoning. This was based largely on the basis of the surrounding zoning and land use. The subject tracts are surrounded on three sides with properties zoned MF-2. Across the Clawson to the west there is a mix of SF-3 built out with duplexes and SF-6 zoning, currently undeveloped. The existing land use and zoning of the surrounding tracts was the basis for the initial recommendation of MF-2.

However, after further consideration of additional information, staff has revised its recommendation and now recommends approval of townhouse and condominium residence (SF-6) district zoning. .

The staff recommendation was revised based on new information regarding two aspects of the surrounding neighborhood - restrictive covenants on two pieces of nearby property and the status of the preliminary draft of the future land use map of the South Lamar neighborhood plan.

A small piece of property immediately to the north of the subject tract has a restrictive covenant which prohibits it from being developed with more than two residential units, despite the MF-2 zoning. Additionally, the properties to the south on 3906 Clawson has a restrictive covenant which mandates any multi-family use take access only to Valley View Road, not Clawson.

The South Lamar Combined neighborhood plan process is set to resume after a hiatus of several months. A preliminary draft of the future land use map from August of 2006 called for single family use on much of Clawson, including this tract. This preliminary draft also called for single family uses on several properties with multi-family zoning. Three versions of the draft future land use have been attached. In all three versions, the subject property is composed of three tracts, Tract 22, the tract to the north and the tract to the south.

Estimates of density under different base zoning districts.

Multi-family residential uses are assumed to generate 6.6 daily vehicle trips. If the property were rezoned to MF-2, with a conditional overlay limiting this development to a maximum of 300 daily vehicle trips, the project would be limited to a maximum of approximately 45 multi-family residential units. This represents a density of roughly 20 units per acre.

Townhouse uses can be typically built out with a maximum of roughly 12.4 units per acres. Assuming maximum build out of the site, SF-6 zoning could result in roughly 27 residential units.

SF-3 zoning requires a minimum site area of 5750 square feet, or 7000 square feet for the construction of a duplex. The site is 2.223 acres, or 96,834 square feet. If re-subdivided into 7000 square foot lots, the properties could be developed an estimated 13 lots or 26 residential units in 13 duplexes, with one additional residential unit, for a total of roughly 27 units.

It is important to note that these rough approximations of ultimate build out do not take into account site constraints, actual project layout, drainage requirements, or other limitations to full build out. As such the actual number of units that could be built is probably lower. A theoretical site plans drafted by the neighborhood would divide the properties into 10 duplex lots, and 1 additional lot, for a total of 21 residential units. The exact number of units cannot be determined until a formal site plan is prepared.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|--------------|---------------|--------------------------|
| <i>Site</i> | SF-3 | Single Family Homes |
| <i>North</i> | MF-2 | Apartments |
| <i>South</i> | SF-3 | Single Family Homes |
| <i>East</i> | SF-3 and SF-6 | Duplexes and Undeveloped |
| <i>West</i> | MF-2 | Apartments |

AREA STUDY: This property lies within the South Lamar Neighborhood Plan Area.

TIA: A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]. A Neighborhood Traffic Analysis will not be required because this site because the applicant has agreed to limit development to a level that will generate no more than 300 daily vehicle trips.

WATERSHED: West Bouldin Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

REGISTERED COMMUNITY ORGANIZATIONS:

- South Lamar Neighborhood Association
- South Central Coalition
- Austin Neighborhoods Council
- Barton Oaks Neighborhood Association
- Barton Springs / Edwards Aquifer Conservation District
- Austin Independent School District

- Home Builders Association of Greater Austin

SCHOOLS:

Joslin Elementary School Covington Middle School Crockett High School

ABUTTING STREETS:

| NAME | ROW | PAVEMENT | CLASSIFICATION | CAPITAL METRO | BICYCLE PLAN | SIDEWALKS |
|-----------------|--------|-------------|----------------|------------------|-----------------|-----------|
| Clawson Road | Varies | Approx. 25' | Collector | No | No | No |

CITY COUNCIL DATE:

ACTION:

July 26, 2007

Postponed to August 21, 2007

August 21, 2007:

Postponed to September 25, 2007.

September 27, 2007

ORDINANCE READINGS:

1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Robert Heil

PHONE: 974-2330

e-mail address: robert.heil@ci.austin.tx.us

SUMMARY STAFF RECOMMENDATION

Staff alternatively recommends approval of townhouse and condominium residence (SF-6) district zoning.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

- 1. Zoning should not constitute a grant of special privilege to an individual owner; Granting of the request should result in an equal treatment of similarly situated properties.*

The property is surrounded on two sides with property zoned MF-2. However, the property to the west fronts on the much larger Manchaca Blvd. Aspects of the property most closely resembles the SF-6 zoned property across Clawson and would provide a transition of densities from the multi-family uses to the north and the single-family uses to the south.

- 2. The proposed zoning should be consistent with the purpose statement of the district sought.*

Townhouse and condominium residence district (SF-6) is the designation for a moderated density single condominium use. An SF-6 district designation may be applied to a use in an area with large lots that have access to streets other than minor residential streets. An SF-6 district may be used as a transition between a single family and multi family residential use.

Transportation

A Neighborhood Traffic Analysis will not be required because this site because the applicant has agreed to limit development to a level that will generate no more than 300 daily vehicle trips.

Existing Street Characteristics:

| NAME | ROW | PAVEMENT | CLASSIFICATION | CAPITAL METRO | BICYCLE PLAN | SIDEWALKS |
|--------------|--------|-------------|----------------|---------------|--------------|-----------|
| Clawson Road | Varies | Approx. 25' | Collector | No | No | No |

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Site Plan

The site is subject to compatibility standards. Compatibility standards are applicable to all property adjoining or across the street from a lot zoned or sued as SF-5 or more restrictive, or within 540 feet from a lot zoned SF-5 or more restrictive. This property is located across the street from SF-3 properties.

Along the east property line, the following standards apply:

- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the SF property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the SF property line.

Additional design regulations will be enforced at the time a site plan is submitted, including landscaping areas, required screening, and exterior lighting (as described in Subchapter E: Design Standards).

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocation, and abandonment required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

The following items were submitted by the neighborhood:

- 1) Calculations estimating the number of SF-3 flag lots that could be developed, given this size and rough shape of the subject properties.
- 2) A tree survey provided to the neighborhood by the applicant, with notes from the neighborhood (2 pages)
- 3) A draft site plan provided by the applicant, overlaid with the with comments from neighborhood.
- 4) An alternative site plan developed by the neighborhood overlaid with the tree survey, and with comments from the neighborhood.

SP85-004

LO

CP72-037

MF-3
74-109

GO

VALLEY VIEW RD

APARTMENTS

MF-2

73-158

71-021

C14P-74-018

NURSING
HOME

SP97-0145CS

SP85-092
70-134

72-112

SF-6
84-330

SF-5-CO

06-0168

SF-3

SF-3

SOUTHRIDGE DR

SF-3

SOUTHGATE CIR

UNDEVELOPED

UNDEVELOPED

82-169
APTS.

SF-3

SF-3

SF-3

81-208

SF-6

MF-2

SF-3

APTS.
83-028RC
P83-085

SF-3

C814-75-006.1[85]

PUD

ROCKDALE CIR

SF-3

SOUTHPORT DR

05-0058

SF-3



Subject Tract



Zoning Boundary



Pending Cases

ZONING

CASE#: C14-2007-0067

ADDRESS: 3608 CLAWSON RD

SUBJECT AREA: 2.223

GRID: G19

INTLS: TRC



1" = 400'

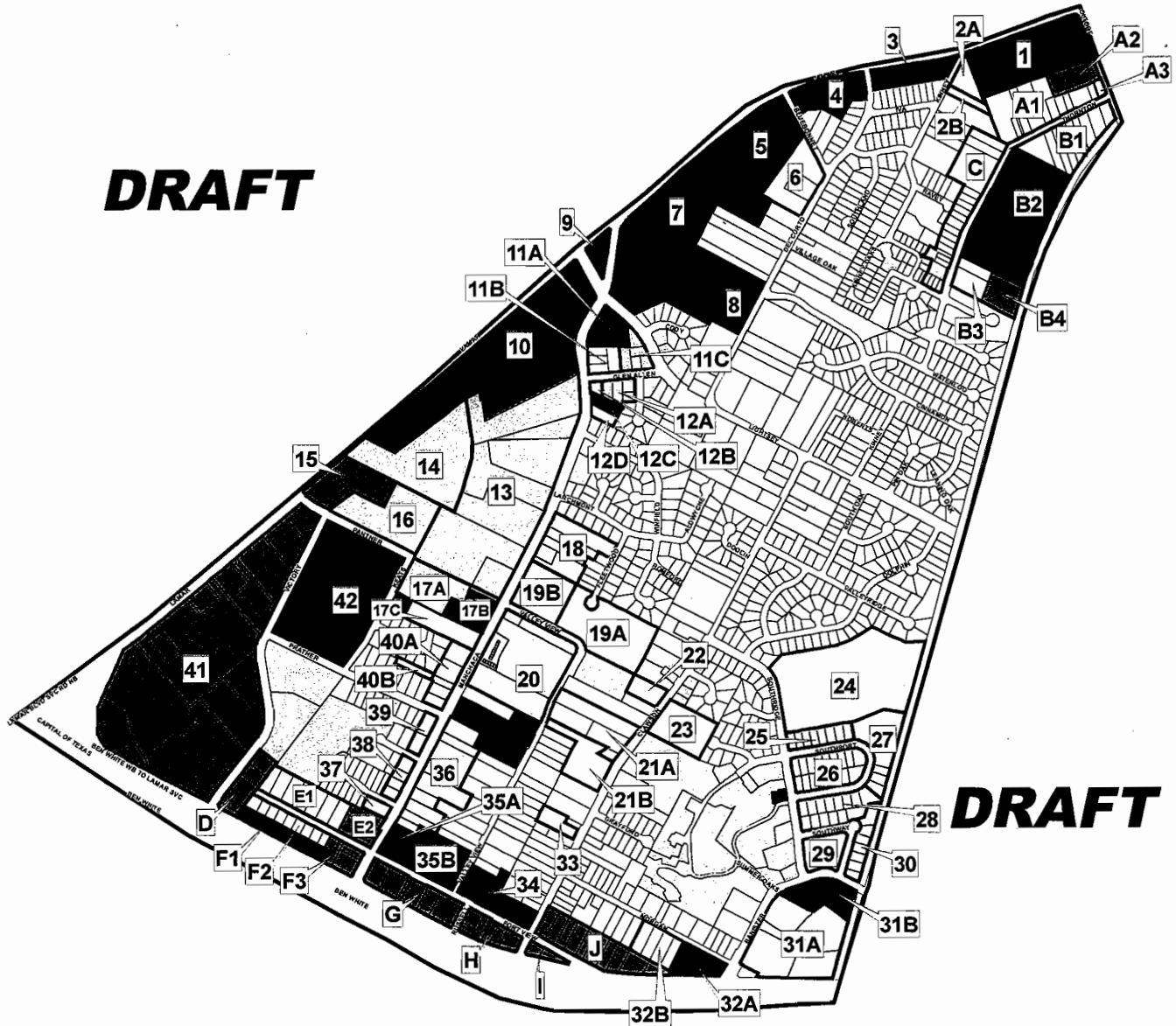
CASE MGR: W.WALSH

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

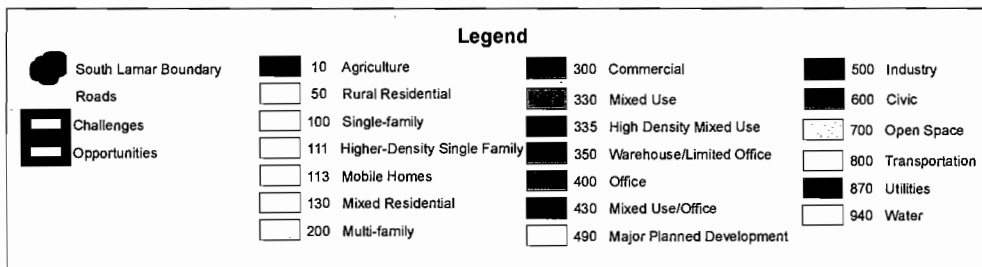


C14-2007-0067
3608 Clawson Road
From SF-3 to MF-2

DRAFT



DRAFT



South Lamar Planning Area Future Land Use Map Scenario "A"

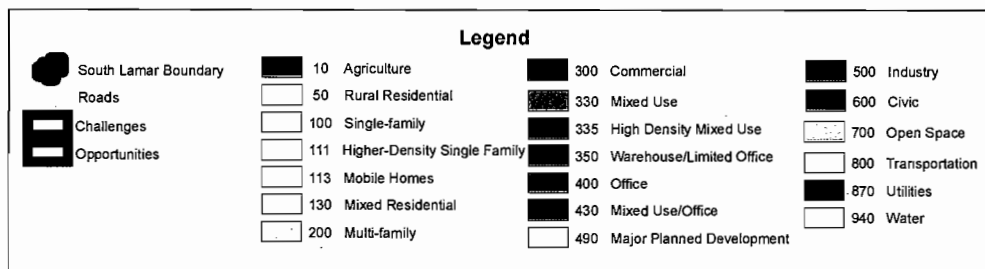
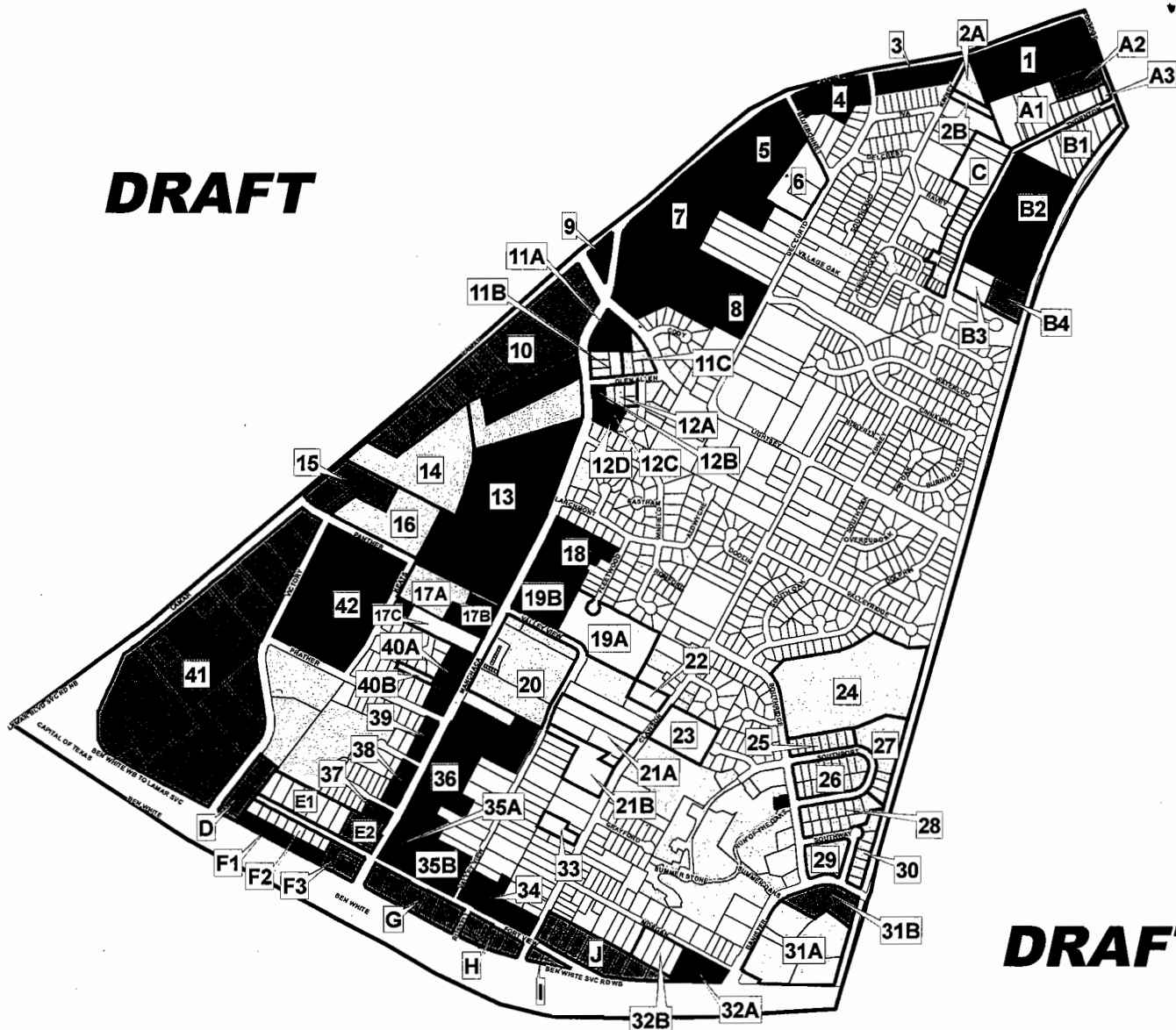
DRAFT



Created by NPZD
March 16, 2006
Updated April 18, 2006

1,000 500 0 1,000 Feet

DRAFT



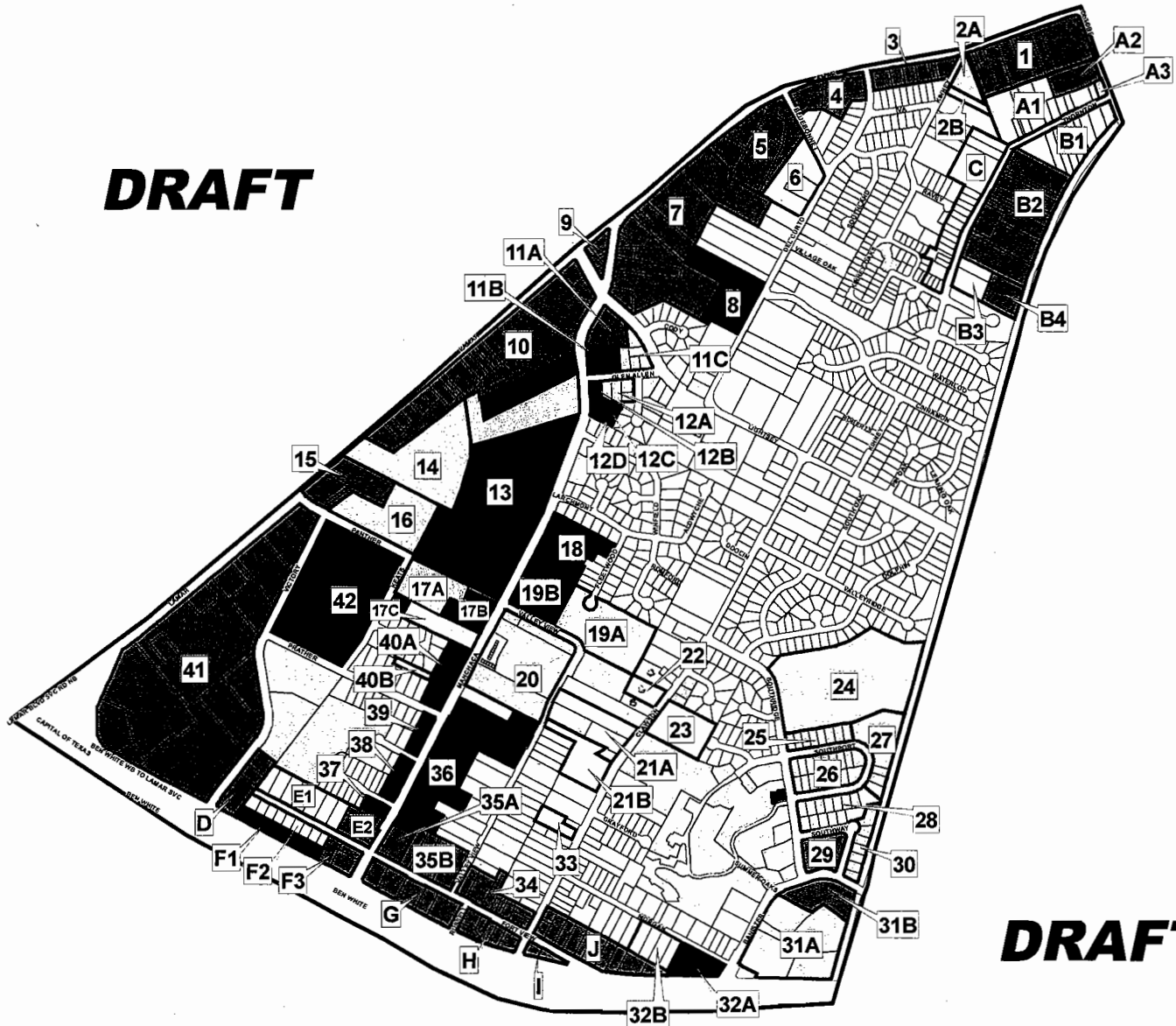
South Lamar Planning Area Future Land Use Map Scenario "B"

Created by NPZD
March 16, 2006
Updated April 18, 2006

DRAFT



DRAFT



DRAFT

| Legend | | | |
|----------------------|----------------------------------|-------------------------------|--------------------|
| South Lamar Boundary | 10 Agriculture | 300 Commercial | 500 Industry |
| Roads | 50 Rural Residential | 330 Mixed Use | 600 Civic |
| Challenges | 100 Single-family | 335 High Density Mixed Use | 700 Open Space |
| Opportunities | 111 Higher-Density Single Family | 350 Warehouse/Limited Office | 800 Transportation |
| | 113 Mobile Homes | 400 Office | 870 Utilities |
| | 130 Mixed Residential | 430 Mixed Use/Office | 940 Water |
| | 200 Multi-family | 490 Major Planned Development | |



South Lamar Planning Area Future Land Use Map Scenario "C"

DRAFT



Created by NPZD
March 16, 2006
Updated April 18, 2006

1,000 500 0 1,000 Feet

PETITION

Case Number:

C14-2007-0067

Date:

July 24, 2007

Total Area within 200' of subject tract: (sq. ft.)

375,823.96

| | | | | |
|----|--------------|-----------------------------|------------------|--------|
| 1 | 04-0610-0210 | CORSBIE WILLIAM LANCE JR | <u>54,019.60</u> | 14.37% |
| 2 | | | | 0.00% |
| 3 | | | | 0.00% |
| 4 | | | | 0.00% |
| 5 | | | | 0.00% |
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| 7 | | | | 0.00% |
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| 10 | | | | 0.00% |
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| 27 | | | | 0.00% |
| 28 | | | | 0.00% |

Validated By:

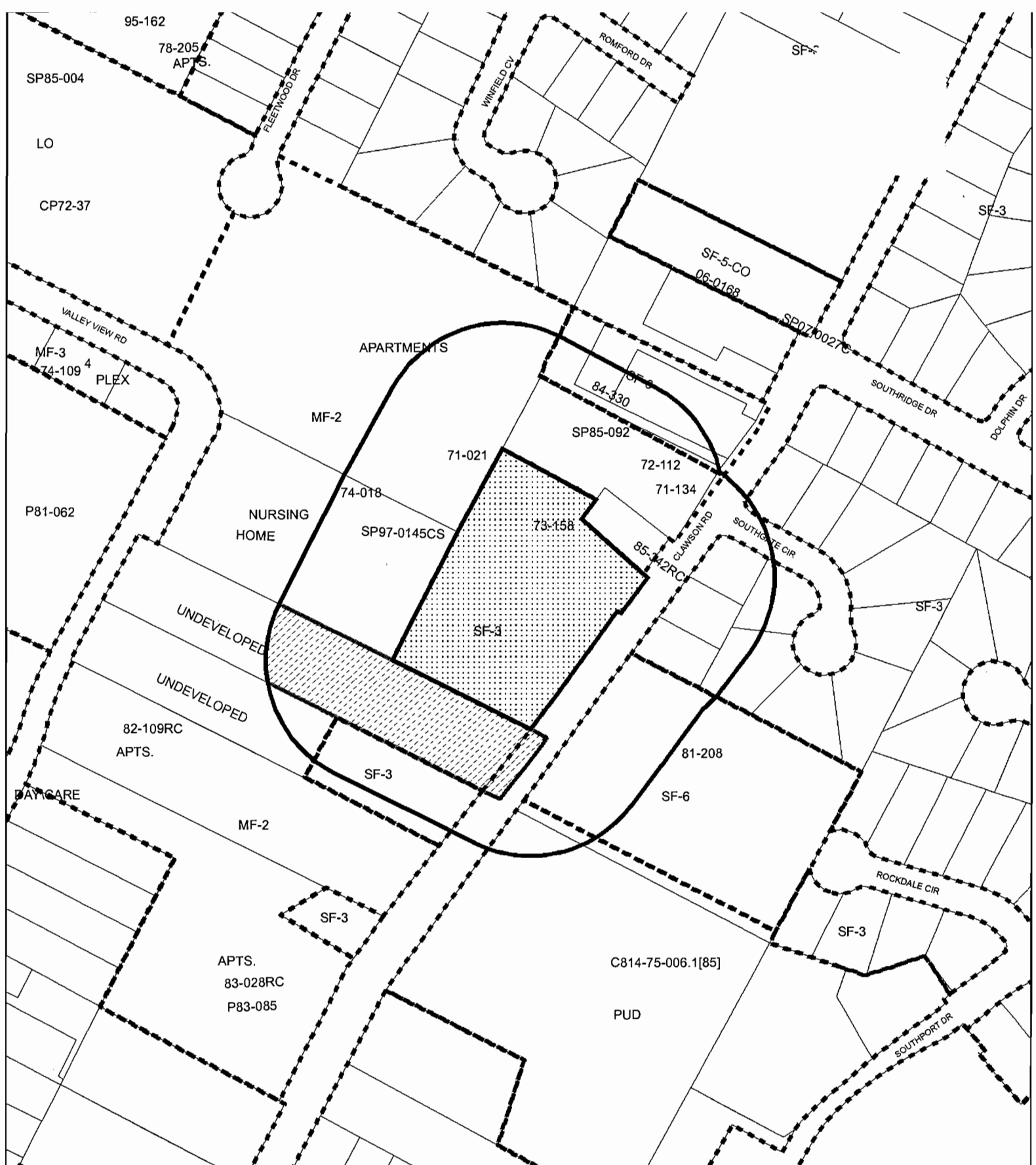
Stacy Meeks

Total Area of Petitioner:

54,019.60

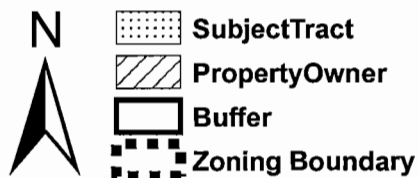
Total %

14.37%



PETITIONS

CASE#: C14-2007-0067
 ADDRESS: 3608 CLAWSON RD
 GRID: G19
 CASE MANAGER: R. HEIL



1" = 200' OPERATOR: SM

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September 18, 2007

Austin City Council
c/o Robert Heil
Neighborhood Planning and Zoning Department
P.O. Box 1088
Austin, TX 78767-8810

RE: Zoning Case File Number **C14-2007-0067**
3608-3706 Clawson Road
Austin, Texas 78704

Dear Sirs:

Attached are Petitions of Opposition to the requested zoning change described in the referenced file, from property owners within 200 feet of the subject property.

Petitions are attached from the following property owners:

- | | | |
|-----|-------------------|-------------------------|
| (1) | Billy Corsbie | 3708 Clawson Road |
| (2) | A.L. Jones | 3800 Clawson Road |
| (3) | Sean Nunes | 1609 Southgate Circle |
| (4) | Michelle Miller | 3607A Clawson Road |
| (5) | Lisl Friday | 3607B Clawson Road |
| (6) | Howard A. Hickman | 1605B Southgate Circle |
| (7) | Gary Kilgore | 16005A Southgate Circle |
| (8) | Peter Feighner | 3510 Clawson Road |
| (9) | Casey L. Gibson | 3609A Clawson Road |

Also attached is a copy of a recent prior Petition Map, upon which handwritten numbers have been added to note the locations of the above listed properties. If additional Petitions of Opposition are received, they will be submitted later. If there are questions or if further information is needed, please advise.

Sincerely,



Bob Thompson (512) 693-2545
South Lamar Neighborhood Association

PETITION

Date: 8/23/07
File Number: C14-2007-0067

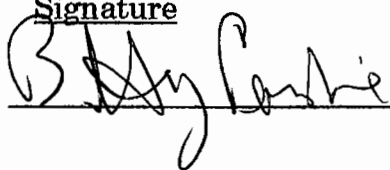
Address of
Rezoning Request: 3608-3706 Clawson Road
Austin, Texas 78704

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-3.

The reasons for this protest are that this property is located on a hilly, narrow street, Clawson Road, which already carries more traffic than is deemed safe for such a neighborhood collector street. Likewise, because of the steep topography, drainage from this property and in the general area is already stressing the existing drainage infrastructure. Consequently, more intensive zoning is completely inappropriate. Moreover, our neighborhood values the lower impervious cover and the single family ownership culture of SF-3 property, and wishes to preserve it in the core of the neighborhood, including this property and others along Clawson Road, as shown on the latest draft Future Land Use Maps.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

| <u>Signature</u> | <u>Printed Name</u> | <u>Address</u> |
|---|---------------------|----------------------------|
|  | Billy Corsbie | 3708 Clawson, Austin 78704 |
| | | |
| | | |
| | | |

Date: 8/23/07

Contact Name: Bob Thompson
Phone Number: 693-2545

PETITION

Date: 22 AUG 07

File Number: C14-2007-0067

Address of

Rezoning Request: 3608-3706 Clawson Road
Austin, Texas 78704

To: Austin City Council

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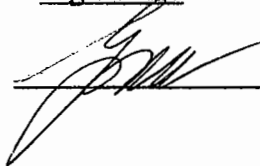
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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address



A.L. JONES

3800 CLAWSON

Date: 8-22-07

Contact Name: BOB THOMPSON
Phone Number: 693-2545

PETITION

Date: 8-22-07

File Number: C14-2007-0067

Address of

Rezoning Request: 3608-3706 Clawson Road
Austin, Texas 78704

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

Sean Nunes

Sean Nunes

1609 Southgate Circle

Date: 8-22-07

Contact Name: BOB THOMPSON

Phone Number: 693-2545

PETITION

Date: 8-22-07

File Number: C14-2007-0067

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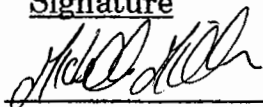
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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address



Michelle Miller

3607A Clawson Rd.

Date: 8/22/07

Contact Name: Michelle Miller
Phone Number: 799-6100

PETITION

Date: Sept 19, 2007
File Number: C14-2007-0067

Address of
Rezoning Request: 3608-3706 Clawson Road
Austin, Texas 78704

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| <u>Signature</u> | <u>Printed Name</u> | <u>Address</u> |
|--------------------|---------------------|--|
| <u>Lisl Friday</u> | <u>Lisl Friday</u> | <u>3607 B. Clawson</u> <u>78704</u> |

I also own the following two properties on
Morgan Lane: 1503 + 1403 Morgan Lane

Date: Sept 19, 2007

Contact Name: Lisl
Phone Number: 731-7875
494-6237

PETITION

Date: 8-22-07

File Number: C14-2007-0067

Address of

Rezoning Request: 3608-3706 Clawson Road
Austin, Texas 78704

To: Austin City Council

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

Howard A. Hickman Howard A. Hickman 1605 B Southgate Circle
Austin, Tx 78704

Date: 8/22/07

Contact Name: HOWARD HICKMAN
Phone Number: 448-0115

PETITION

Date: 9-16-07
 File Number: C14-2007-0067

Address of
 Rezoning Request: 3608-3706 Clawson Road
Austin, Texas 78704

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| <u>Signature</u> | <u>Printed Name</u> | <u>Address</u> |
|---------------------|---------------------|--|
| <u>Gary Kilgore</u> | <u>Gary Kilgore</u> | <u>1605A Southgate Cir.</u> <u>Austin, TX</u> <u>78704</u> |
| | | |
| | | |
| | | |

Date: 9-16-07

Contact Name: BOB THOMPSON
 Phone Number: 693-2545

PETITION

Date: 9-15-2007
File Number: C14-2007-0067

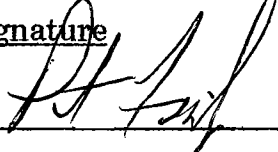
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To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-3.

The reasons for this protest are that this property is located on a hilly, narrow street, Clawson Road, which already carries more traffic than is deemed safe for such a neighborhood collector street. Likewise, because of the steep topography, drainage from this property and in the general area is already stressing the existing drainage infrastructure. Consequently, more intensive zoning is completely inappropriate. Moreover, our neighborhood values the lower impervious cover and the single family ownership culture of SF-3 property, and wishes to preserve it in the core of the neighborhood, including this property and others along Clawson Road, as shown on the latest draft Future Land Use Maps.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

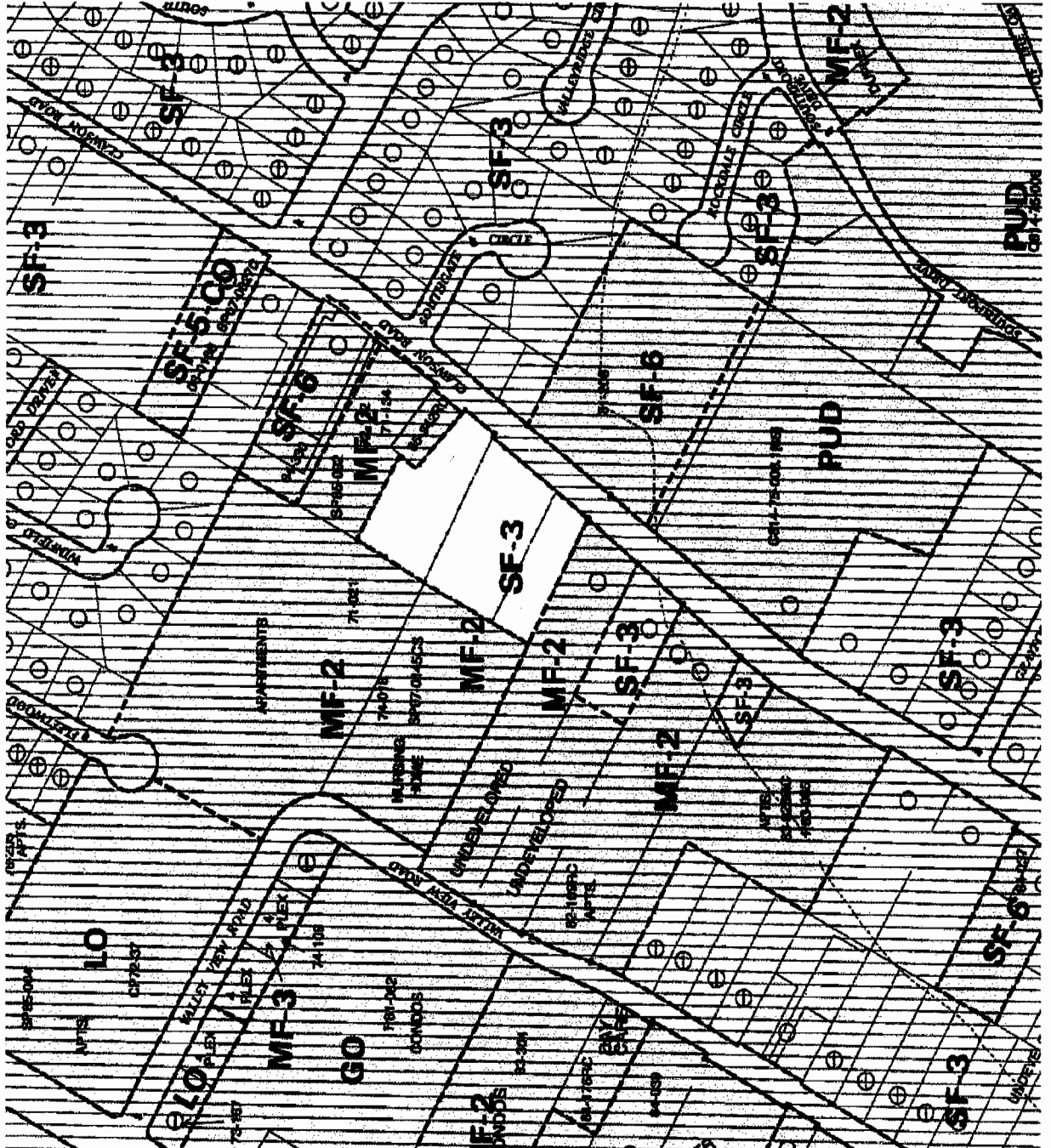
| <u>Signature</u> | <u>Printed Name</u> | <u>Address</u> |
|---|---------------------|------------------|
|  | Peter Feighner | 3510 Clawson Rd. |
| | | |
| | | |

Date: 9/15/07

Contact Name: BOB THOMPSON
Phone Number: 693-2545

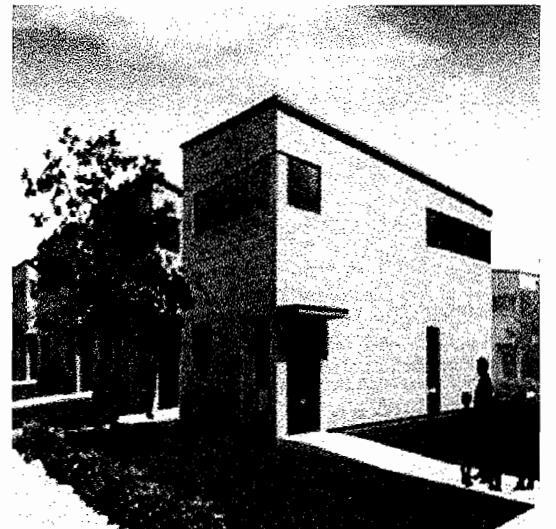
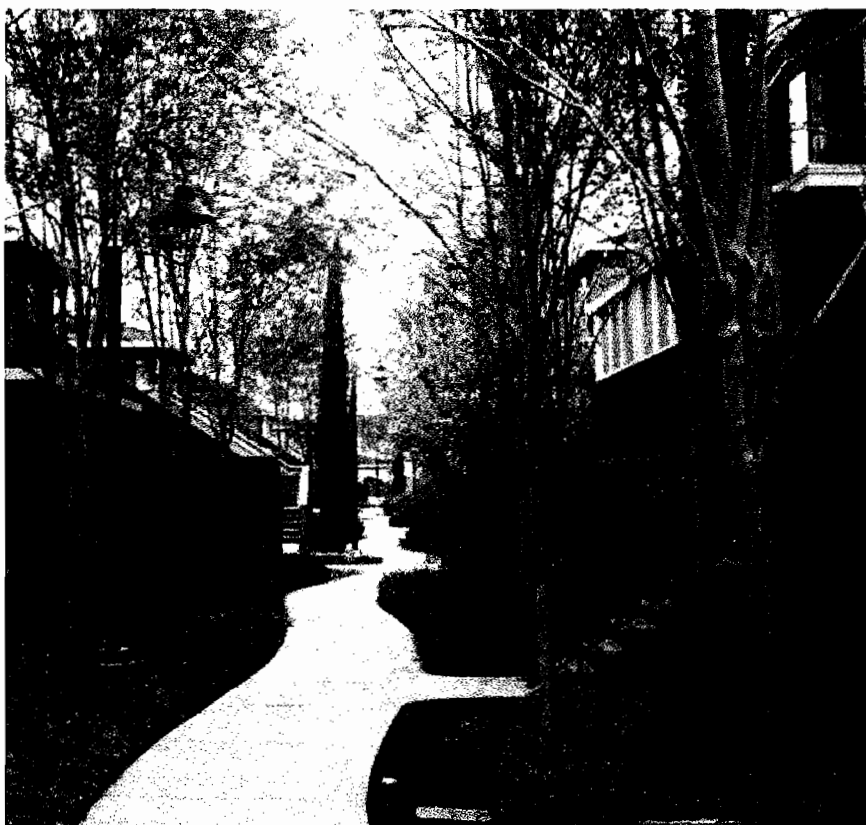
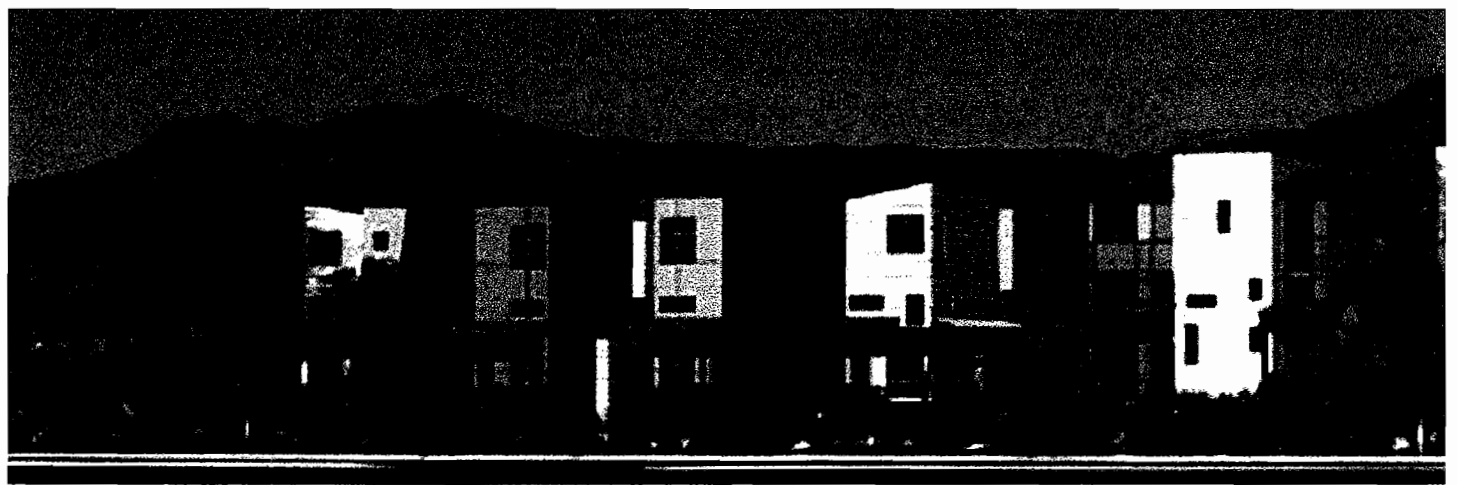
Surrounding Zoning

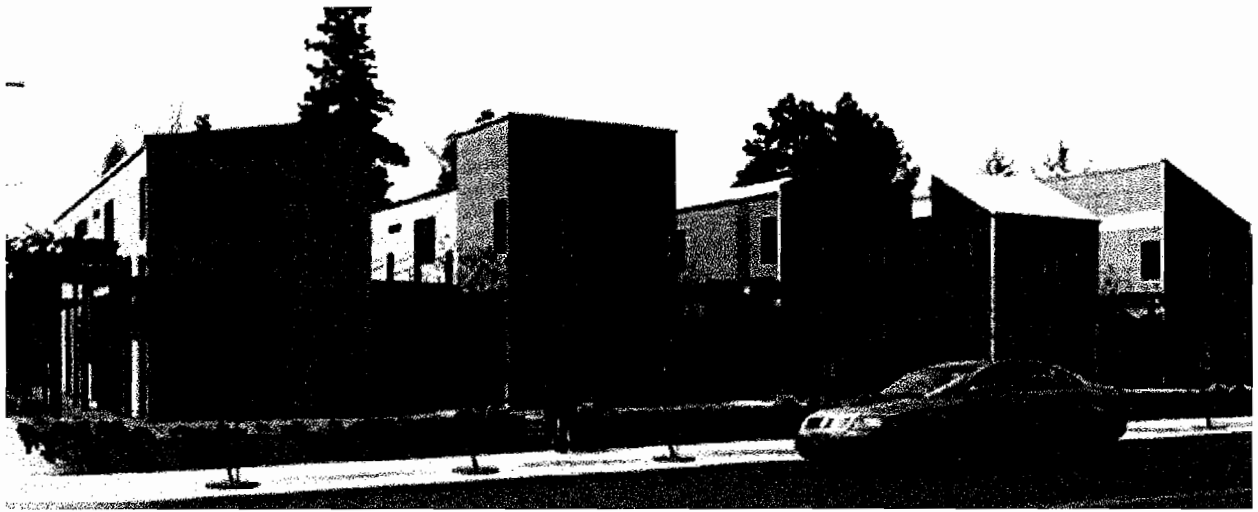
This exhibit and the following example photographs were provided by the applicant



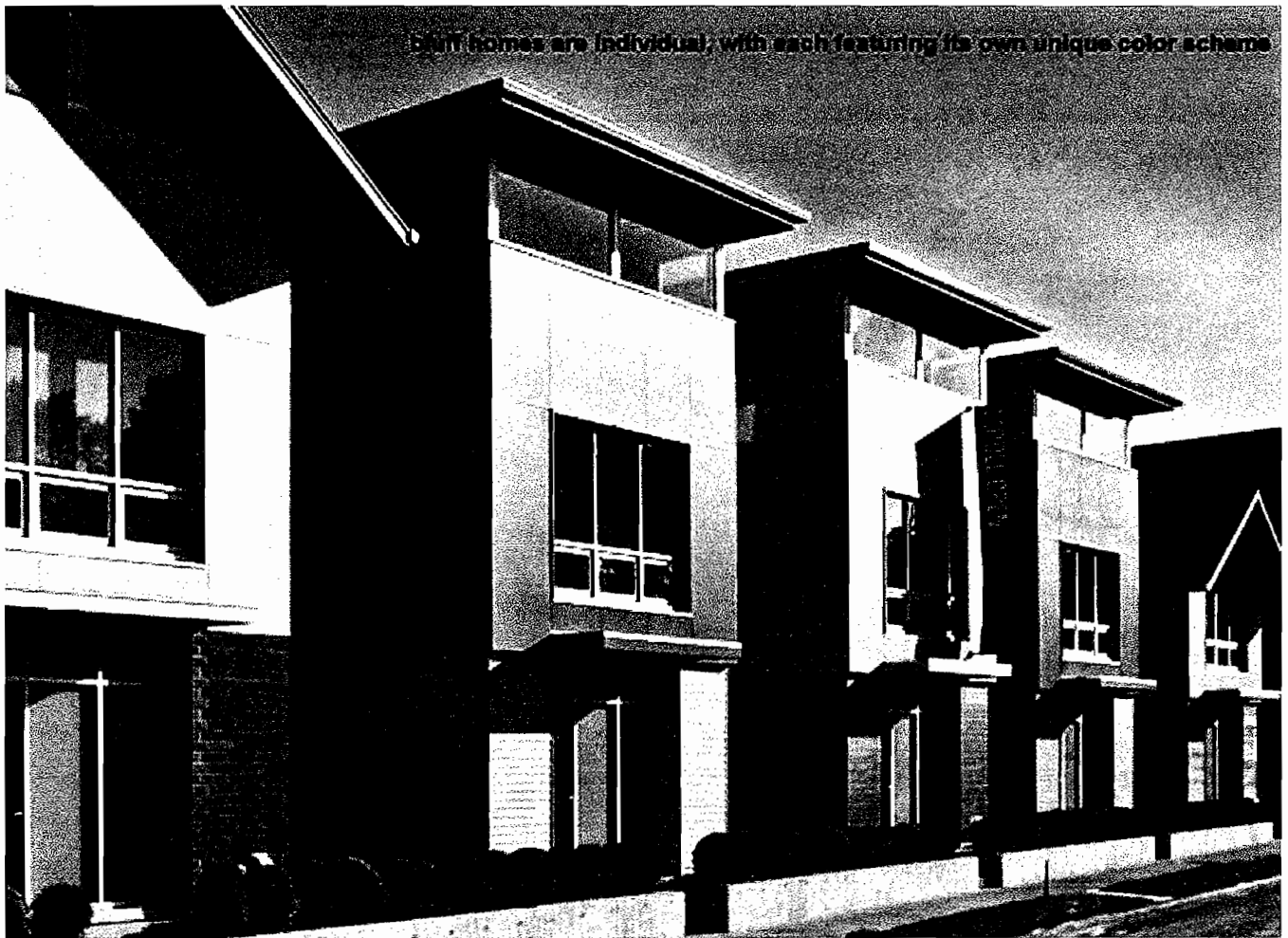








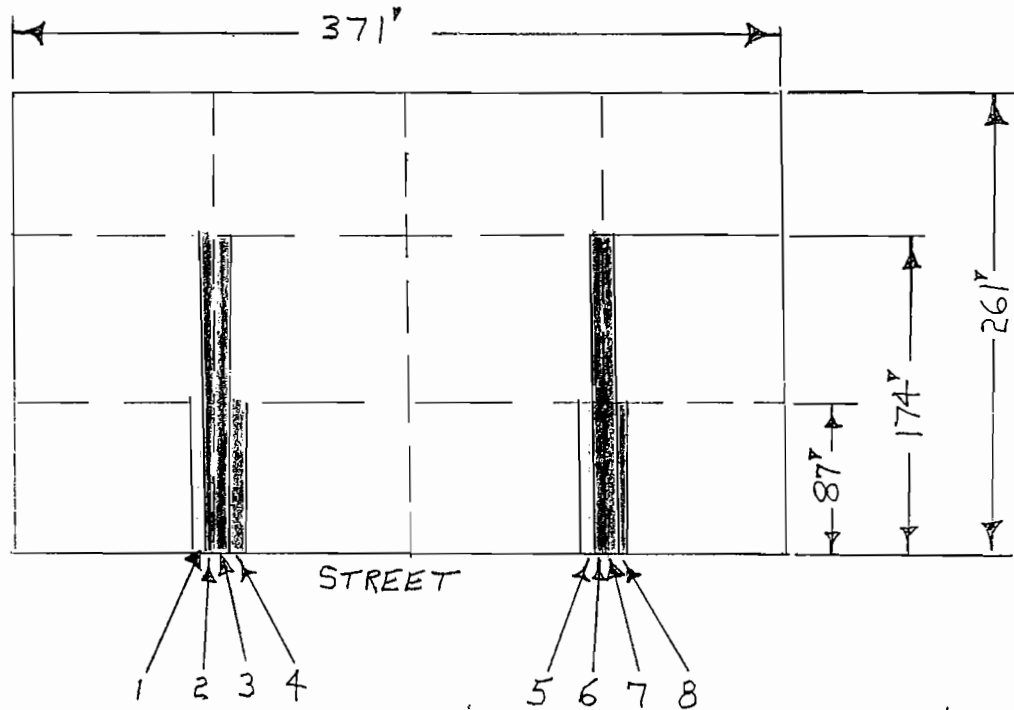
blum homes are individual, with each featuring its own unique color scheme



The following items were submitted by the neighborhood:

- 1) Calculations estimating the number of SF-3 flag lots that could be developed, given this size and rough shape of the subject properties.
- 2) A tree survey provided to the neighborhood by the applicant, with notes from the neighborhood (2 pages)
- 3) A draft site plan provided by the applicant, overlaid with the with comments from neighborhood.
- 4) An alternative site plan developed by the neighborhood overlaid with the tree survey, and with comments from the neighborhood.

IDEALIZED ESTIMATION OF NUMBER OF DUPLEXES
PERMITTED UNDER SF3 ZONING ON 2.223 ACRES



FLAGPOLES TO PROVIDE ACCESS TO INTERIOR LOTS
(MINIMUM WIDTH = 15 FT.)

$$\text{TOTAL AREA} = 371' \times 261' = 96,831 \text{ SQ. FT.} = 2.223 \text{ ACRES}$$

$$\left. \begin{array}{l} \text{AREA OF 8} \\ \text{FLAGPOLE} \\ \text{DRIVEWAYS} \end{array} \right\} = 4 \times 15' \times 87' + 4 \times 15' \times 174' = 15,660 \text{ SQ. FT.} = 16.2\% \times \text{Tot. AREA}$$

VS. 14.3-15% ESTIMATED BY J. BARNETT

$$\text{REMAINING NON-FLAGPOLE AREA} \approx 81,171 \text{ SQ. FT.}$$

$$\left. \begin{array}{l} \text{MAXIMUM NUMBER OF} \\ \text{SF3 DUPLEXES} \end{array} \right\} = \frac{81,171 \text{ SQ. FT.}}{7,000 \text{ SQ. FT./DUPLEX}} = 11.6 \rightarrow 11 \text{ DUPLEXES}$$

(BEFORE SITE PLAN RESTRICTIONS, WHICH MAY REDUCE THE NUMBER)

| TREE | RANK |
|------|------|
| SIZE | |

(H) 5

TRGE #

- ① 6025 -- 21 -- SINGLE -- LIVE OAK [6]
 ② 6141 -- 12, 13 -- TWIN -- LIVE OAK [D2]
 ③ 6143 -- 27 -- SINGLE -- LIVE OAK [1]
 ④ 6160 -- 20 -- SINGLE -- CEDAR [C]
 ⑤ 6296 -- 12, 15, 17 -- TRIPLE -- LIVE OAK [T]
 ⑥ 6393 -- 11, 13, 13 -- TRIPLE -- LIVE OAK [T2]
 ⑦ 6432 -- 23 -- SINGLE -- AMER. ELM [3]
 ⑧ 6437 -- 24 -- SINGLE -- AMER. ELM [2]
 ⑨ 6521 -- 20 -- SINGLE -- CEDAR ELM [7]
 ⑩ 6702 -- 21 -- SINGLE -- HACKBERRY [H]
 ⑪ 6746 -- 23 -- SINGLE -- AMER. ELM [4]
 ⑫ 6748 -- 22 -- SINGLE -- AMER. ELM [5]
 ⑬ 6514 -- 14, 18 -- TWIN -- LIVE OAK [D1]

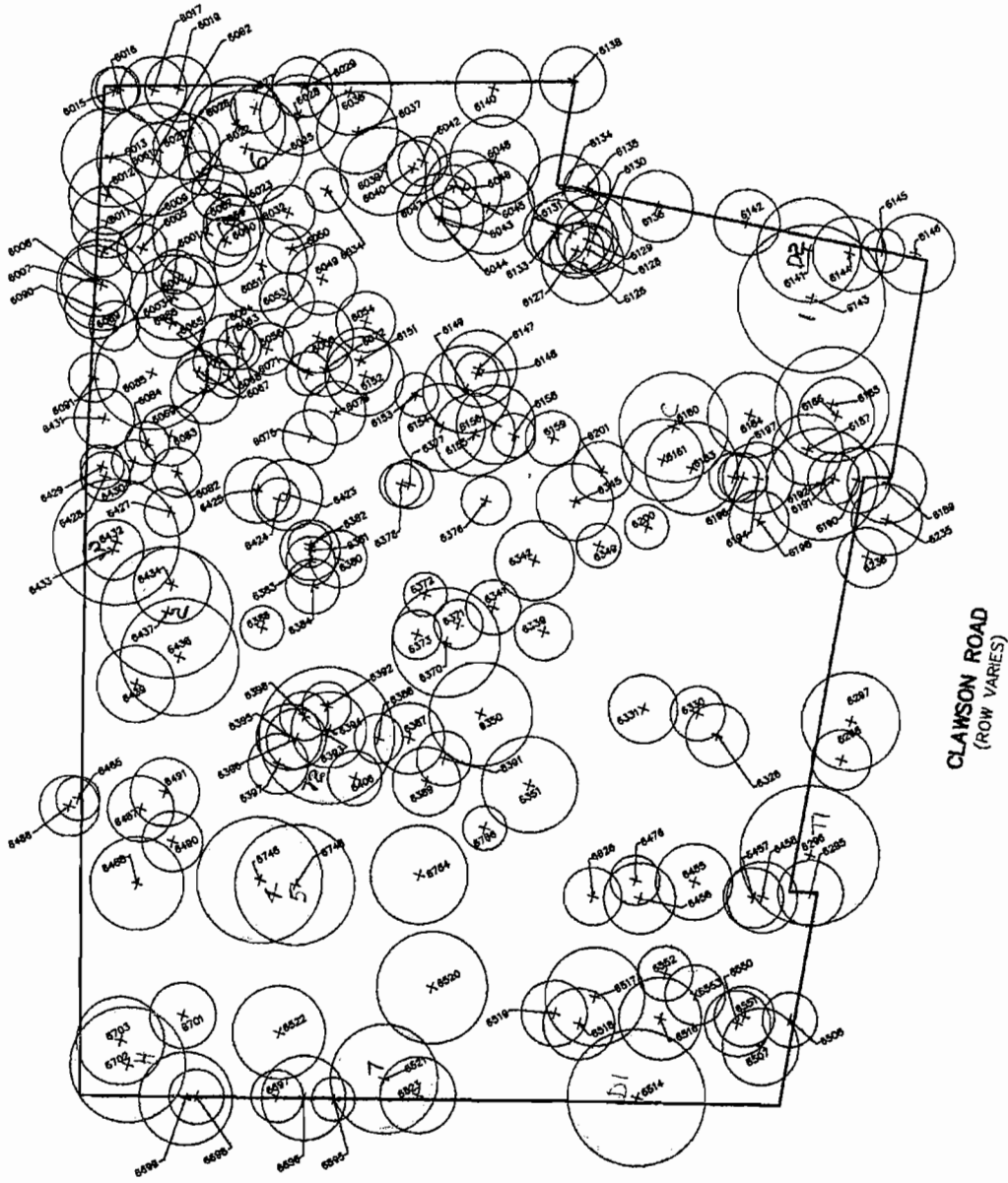
205 TREES TOTAL

[illegible]

4611 BER CAVES RD, STE 200
C.O.

**TREE SURVEY
CLAWSON ROAD**

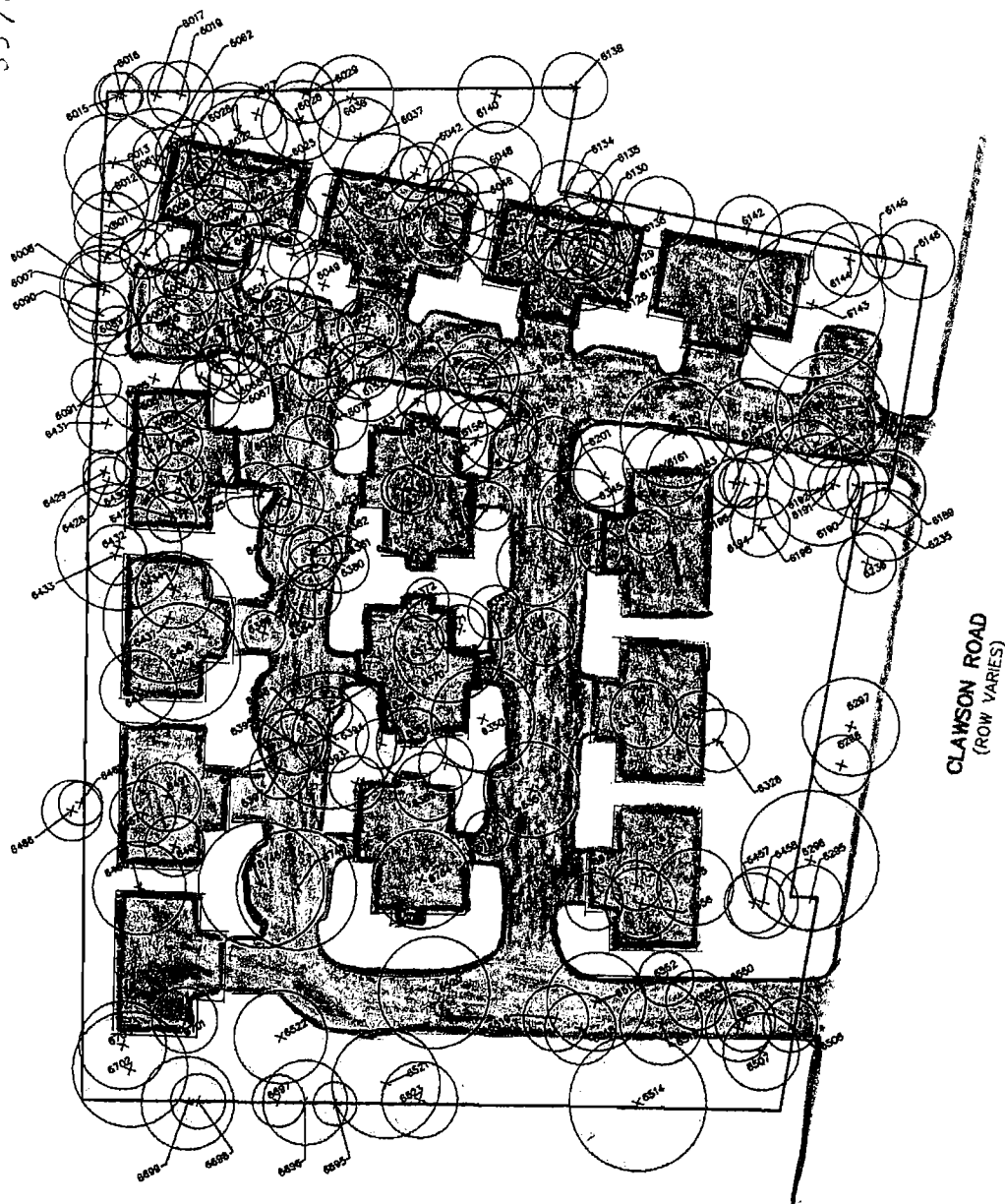
MOST SIGNIFICANT 13 TREES OUTLINED / 205 TREES TOTAL



TREES SAVED

7/13 SIGNIFICANT

33/205 TOTAL



28 UNITS PRELIMINARY * SITE PLAN

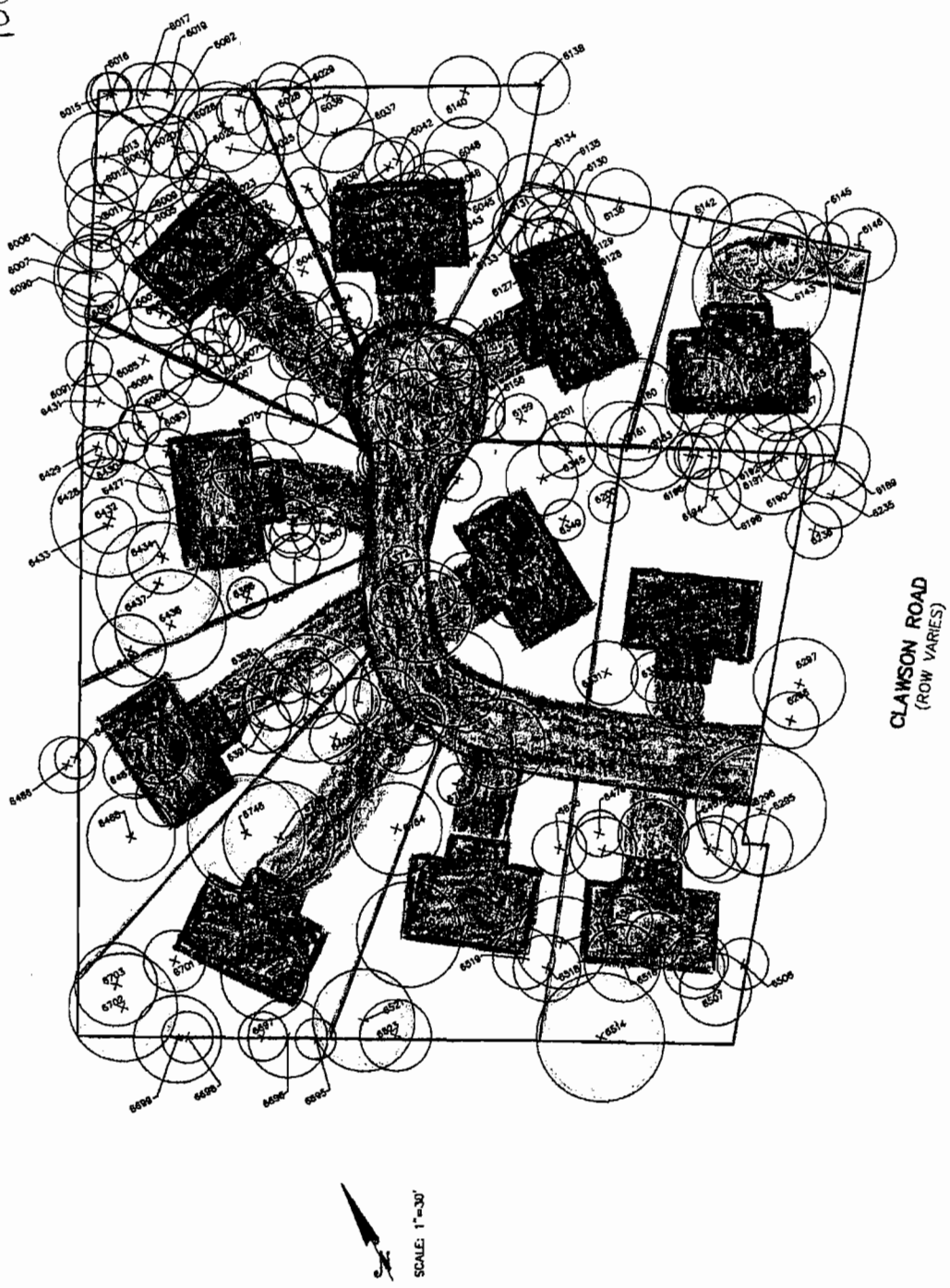
* WITHOUT WATER DETENTION

**TREE SURVEY
CLAWSON ROAD**

TREES SAVED

13/13 SIGNIFICANT

100/205 TOTAL



22 UNIT* PRELIMINARY* DUPLEX SF-3 SHE PLAN

* WITHOUT WATER DETENTION

BILL CORSBIE, P.C.
3708 CLAWSON ROAD
AUSTIN, TEXAS 78704-7802

Attorney and Counselor at Law

Board Certified: Administrative Law Texas Board of Legal Specialization

WEBSITE <http://hometown.aol.com/bilcorsbie/myhomepage/index.html>

PHONE 512/443-3199

FAX 512/443-9807

E-MAIL bilcorsbie@aol.com

June 1, 2007

Mr. Robert Heil
CITY OF AUSTIN
NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT
505 Barton Springs Road, 5th Floor
Austin, TX 78704

re: Case Number C14-2007-0067

Dear Mr. Heil,

This letter is a follow-up to the voice mail I left with for you today at 974-2330. I have contacted you in response to a letter dated May 31, 2007, copy attached. My home/residence is on the 2 acre lot that I own due south of the 2.223 acre tract at 3608 Clawson Road that has requested a zoning change from SF-3 to MF-3. My home is a frame house build in the 1930's by a Mr. Overall, who died here. I bought the property from his estate in 1974, and have lived here ever since. In the 1970's, I had several dairy goats here with me on the property. I have an office in what was Mr. Overall's workshop/garage, but it is just for phones, files, and computers, no one comes here on business.

I am opposed to the requested zoning change. I have two major concerns, traffic, and flooding.

Regarding traffic, Clawson Road is very hilly and narrow, and it is not appropriate to allow re-zoning that will generate more traffic.

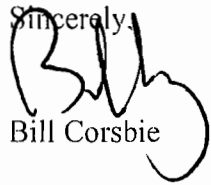
Regarding flooding, the subject tract is up-hill from my property, and I am very concerning about any development there increasing the stormwater flow across my property. The tract immediately north of me now has a duplex. That should not be changed in my opinion.

Please enter my opposition to this matter in the City's records, and provide me constitutionally appropriate due process for communicating my concerns to the appropriate decision makers. I would appreciate it if my opposition could be noted under PROCESS AND NOTES on the enclosed page from the City's web page.

Your attention to this matter is appreciated. Please contact me by phone or email regarding how I should proceed in making my opposition known, and please let me know

whenever this matter will be considered by the Land Use Commission and the City Council.

Sincerely,


Bill Corsbie

BC/wp

enc.

xc w/enc.

Ms. Diana Minter

CITY OF AUSTIN

LEGAL DEPARTMENT

P.O. Box 1088

Austin, Texas 78767-8865

✓ Ms. Sue Welch

CITY OF AUSTIN

LAND USE REVIEW

505 Barton Springs Road, 4th Floor

Austin, TX 78704

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2007-0067

Contact: Robert Heil, (512) 974-2330

Public Hearing:

June 26, 2007 Planning Commission

Dave Blevins

Your Name (please print)

1801 Lightsey Rd

Your address(es) affected by this application

Dave Blevins

Signature

6/17/07

Date



Comments:

Much too dense.

Dave Blevins

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2007-0067

Contact: Robert Heil, (512) 974-2330

Public Hearing:

June 26, 2007 Planning Commission

Bernard J. Natho

Your Name (please print)

1601-B Southgate Circle

Your address(es) affected by this application

Bernard J. Natho

Signature

Date

6-18-2007

Comments:

*M-2 will increase traffic on
Chawson Rd, just a 2-lane road. Also the location
on Chawson has very limited visibility making
very dangerous for anyone on traffic accessing Chawson.*

☐ I am in favor
☒ I object

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C14-2007-0067

Contact: Robert Heil, (512) 974-2330

Public Hearing:

June 26, 2007 Planning Commission

☐ I am in favor
☒ I object

Dan Berczka
Your Name (please print)

3212 Clawson Rd.
Your address(es) affected by this application

[Signature]
Signature

7.2.07
Date

Comments:

With the lot in question being
greater than two acres, the
zoning change could potentially
add 50 units to Clawson Rd.
Clawson already has too much traffic,
adding those units will only worsen the
existing problem.

If you use this form to comment, it may be returned to:

City of Austin
Neighborhood Planning and Zoning Department
Robert Heil

P. O. Box 1088

Austin, TX 78767-8810

MF and SF-6 Zoned Properties On or Adjacent to Clawson Rd.

The applicants have stated MF-2 zoning is appropriate for their property because adjacent tracts on the north, west are zoned MF-2, and that there is a high density PUD and SF-6 zoning across the street.

Staff revised their initial recommendation of MF-2 to SF-6 due to restrictive covenant conditions which apply to two of the MF tracts that have frontage on Clawson Rd.

1. C14-70-134 – 3604 Clawson Rd. Current zoning MF-2

The property is developed with 19 apartment units and the only access to the project is from Clawson Rd. Density is approximately 20 units per acre.

2. C14-71-021 – Rear of 3633-3723 Manchaca Rd and Fleetwood Dr. Current zoning MF-2

The property is developed with an apartment complex with access to Valley View Rd which intersects with Manchaca Rd. Although the property abuts the Fleetwood Dr. cul-de-sac bubble there is no access to the project from that street.

3. C14-81-028 – 3701-3711 Clawson Rd. and 1507-1512 Rockdale Circle. Current zoning SF-6

The property is undeveloped, but there is an approved site plan attached to the ordinance for 26 units on 3.086 acres (8.42 units per acre). The project would have access to Clawson Rd. and Rockdale Circle from a private street that would function as an internal driveway.

4. C14-82-169 – 3804 Clawson Rd and Valley View frontage. Current zoning is MF-2

The property is not currently developed with MF uses, and if MF uses were constructed access to Clawson Rd. is prohibited by the condition of the Restrictive Covenant.

5. C14-83-028 – 3906 Clawson Rd. and Valley View frontage. Request for BB (MF-2) zoning granted Related case, C14p-83-085 – Special Permit Site Plan

The property is developed with 32 apartment units on 2.639 acres or 12.12 units per acre. The site is limited to emergency access to Clawson Rd. by a note on the Special Use Permit.

6. C14-84-330 – 3510 Clawson Rd. Current zoning is SF-6.

The property does not appear to be developed with multi-family units and is .98 acres in size and has access to Clawson Rd.

7. C814-75-006.01 (85) PUD on Southridge that now extends to Clawson. Granted PUD zoning for lots abutting Clawson Rd.

The property is developed with apartments at a maximum density of 10 units per acre. The site is limited to emergency access to Clawson Rd. by a note on the PUD Land Use Plan.

8. C14-85-342 – 3604-06 Clawson Rd. Current zoning is MF-2

The property is restricted to a maximum of two individual units, and has access to Clawson Rd.

9. C14p-74-18 and SPC-97-0145CS (have not found zoning case) on Valley View Rd. but backs up to lots fronting on Clawson. Current zoning is MF-2.

Property is developed with a nursing home and has no access to Clawson Rd.

What are the precedents for MF-2 zoning with sole access to Clawson Rd.

The only tract is the 19 unit apartment complex zoned MF-2 at 3604 Clawson Rd. This application was submitted in 1970, and approved by Council in 1972.

All of the other MF-2 tracts cited by the applicant have frontage on Valley View Rd. and are either prohibited from accessing Clawson Rd. or limited to emergency access.

What are the precedents for SF-6 zoning with sole access to Clawson Rd.

The property at 3510 Clawson Rd is zoned SF-6 (C14-84-330), but does not appear to be developed with multi-family uses.

The SF-6 tract at 3701-3711 Clawson Rd. is undeveloped but also has access to Rockdale Circle and is limited to 8.42 units per acre based on the approved site plan.

Clawson Road Operating Level:

The volume of traffic on Clawson Rd. far exceeds the desirable operating level specified in Sec. 25-6-116 of the Land Development Code.

Desirable Levels for Streets with Pavement Width Less than 30 feet should not exceed 1,200 vehicle trips per day.

A January 22nd, 2003 Traffic Count on Clawson north of Grayford showed 1,242 northbound trips and 1,294 southbound trips for a total traffic volume of 2,536 trips. That volume of traffic is more than double the volume of traffic specified as desirable.

In 1992, the Austin Transportation Survey of Collector Streets listed the following traffic counts for Clawson Road north of Ben White at four-year intervals starting in 1980.

1980: 1,650
1984: 2460
1988: 2080
1992: 2180

Section 25-6-141 (A) states that the Council may deny an application if the results of the traffic impact analysis demonstrate that a proposed development may overburden the City's street system.

No Neighborhood Traffic Analysis was required in this case because the applicants agreed to a level of development that would generate less than 300 vehicle trips per day and the maximum density permitted under the alternate staff recommendation of SF-6 also generates less than 300 vehicle trips per day.

Therefore, we have no current traffic analysis study to update traffic volume counts, but every traffic volume count on Clawson Rd. since 1980 shows that it is operating far in excess of desirable operating levels.

However, the lack of updated traffic volume counts cannot offset the fact that every Clawson Rd. traffic count conducted since 1980 has exceeded the desirable traffic volumes specified by the LDC. The neighborhood believes that the applicant and staff should address this issue, and that the Planning Commission and City Council should have the opportunity to consider this matter before making a recommendation and decision on this case.

Traffic Comments and Conditions from SF-6 and MF-2 Zoning Cases On and Abutting Clawson Rd. or Clawson Rd. properties:

1. C14-70-134: Clawson Rd. Request for BB (MF-2) zoning granted

Planning Commission Zoning Committee Comment and Action – This request should be denied, as it is an intrusion into a well developed area and would create a traffic problem.

Initial Planning Commission recommendation was denial of the application, but this decision was reversed by a 5-4 vote after the applicant asked Council to refer the case back to the Commission.

The Zoning Committee reviewed the data again and felt that planning is needed for street and traffic facilities. They were cognizant of the fact that even "A" residence zoning would add to the traffic hazard. A majority of the committee concluded the request should be denied.

Mr. Goodman (Planning Commissioner) offered a substitute motion to approve the zoning request noted that the traffic situation must be improved to provide adequate services to the area.

Mr. Reeves (Planning Commissioner) noted that it is not good planning to compound the problem in the area without first solving the problem.

Mr. Kinser (Planning Commission Chairmen) stated that the area is destined to be developed primarily with apartments because it is so close to downtown, and as each case comes in right-of-way dedication can be required to widen the street and solve the problem. He stated that it is unfair to punish the individual developer because the City does not provide adequate street facilities. The Planning Commission and City Council do not build Austin, it is developed by individuals as they can afford the cost.

2. C14-71-021: Rear of 3633-3723 Manchaca (backs up to C14-70-134). Request for BB (MF-2) zoning granted.

Robert Sneed (applicant's attorney) addressing access problems in the area, stated that Clawson Rd. will need to be widened and the primary consideration in planning this development has been the prevention of traffic spillage into the residentially developed areas.

Walter Foxworth (staff) feels that a provision for extension of Valley View Rd. to access this project is a necessity for the future orderly development of the area.

Valley View Rd. was extended to Manchaca Rd. to provide access for the apartment complex, and access to Fleetwood Dr. from the project is prohibited.

3. C14-81-028 – 3701-3711 Clawson Rd. and 1507-152 Rockdale Circle. Request for A-s (SF-6) granted.

Betty Baker (staff) Consideration should be given to access from Rockdale Circle because of limited visibility on Clawson Rd.

Judy Fowler (applicant's agent) The applicant does not object to providing a crash gate in the event traffic creates a problem on Clawson Rd., but the Fire Department has recommended that access to the project be provided from Clawson Rd.

Staff noted that Clawson Rd. was included in the CIP, but Ms. Fowler noted that it had been removed once again as being low priority.

Bob Liverman (staff) said that at the present time Clawson Rd. is not safe.

Quote from Memorandum from Public Works Dept to Richard Lillie, Director of Planning:

"Over the years considerable concern has been expressed regarding traffic safety along Clawson Rd. The existing profile of the road has been described as a roller coaster."

4. C14-82-169 - 3804 Clawson Rd. Request for BB (MF-2) zoning granted

Restrictive Covenant Condition:

There shall be no access to or from said property from Clawson Rd. except during such time as property is being used only for some use or uses permitted under the A (SF-3) zoning classification of the Zoning ordinance.

5. C14-83-028 - 3906 Clawson Rd. and Valley View frontage. Request for BB (MF-2) zoning granted
Related case, C14p-83-085 - Special Permit Site Plan

Special Permit Note (Case C14p-85-083):

Emergency exit to be two columns with chain cutting off access to Clawson Rd., approved by Captain Phillip Knowles, Fire Department.

6. C14-84-330 - 3510 Clawson Rd. Request for A-2 (SF-6) zoning granted

Howard Hickman (neighborhood resident) stated that the City informed him there are no plans to upgrade Clawson Rd.

Shannon Eckols (applicant's agent) says that Clawson Rd. is basically a county road which has never been improved. He agrees that Clawson Rd. needs to be improved, but he does not feel that denying this application will alleviate the situation.

Betty Baker (staff) states that upgrading Clawson would alleviate safety factors and the dangerous traffic situation which exists at the location.

Judy Fowler (staff) notes that the City has acquired property for the widening of Clawson Rd., however, the City does not have the funds to complete the project.

Francis Schenkkan (Planning Commissioner) did not feel that the Commission should approve zoning with the hope that Clawson Rd. will be improved in the future.

7. C814-75-006.01 (85) PUD on Southridge that now extends to Clawson. Granted PUD zoning for lots abutting Clawson Rd.

Site Plan Note:

At Clawson Rd.: crash gate installed -- to be used by emergency vehicles only until Clawson Rd. improvements are made.- then crash gate may be removed.

8. C14-85-342 – 3604-06 Clawson Rd. Request for BB (MF-2) zoning granted.

Restrictive Covenant Condition:

In no event shall the number of individual units located on this property exceed two.

C14-2007-0067
3608 Clawson Road
From SF-3 to MF-2





Subject Tract



Zoning Boundary



Pending Cases



1" = 400'

CASE MGR: W.WALSH

ZONING

CASE#: C14-2007-0067
ADDRESS: 3608 CLAWSON RD
SUBJECT AREA: 2.223
GRID: G19 INTLS: TRC




This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



 Subject Tract

 Zoning Boundary

 Pending Cases

ZONING

CASE#: C14-2007-0067
 ADDRESS: 3608 CLAWSON RD
 SUBJECT AREA: 2.223
 GRID: G19 INTLS: TRC



1" = 400'

CASE MGR: W.WALSH

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PETITION

Case Number:

C14-2007-0067

Date:

Sept. 20, 2007

Total Area within 200' of subject tract: (sq. ft.)

375,823.96

| | | | | |
|----|----------------------|--------------------------------------|-----------|--------|
| 1 | 04-0409-0184 | FEIGHNER PETER C & JULIA A | 3563.20 | 0.95% |
| 2 | 04-0409-0185 | FEIGHNER PETER C & JULIA A | 7331.33 | 1.95% |
| 3 | 04-0409-0186 | FEIGHNER PETER C & JULIA A | 7987.34 | 2.13% |
| 4 | 04-0508-0430 | NUNES SEAN A | 12658.99 | 3.37% |
| | | KILGORE GARY L AND HICKMAN HOWARD | | |
| 5 | 04-0508-0431 | | 3943.89 | 1.05% |
| | 04-0508-1102 AND 04- | MILLER MICHELLE | | |
| 6 | 0508-1103 | POWERS AND FRIDAY LISL | 10196.33 | 2.71% |
| | | CORSBIE WILLIAM | | |
| 7 | 04-0610-0210 | LANCE JR | 54,019.60 | 14.37% |
| 8 | 04-0610-0211 | JONES GORDON L | 28416.91 | 7.56% |
| 9 | | | | 0.00% |
| 10 | | | | 0.00% |
| 11 | | | | 0.00% |
| 12 | | | | 0.00% |
| 13 | | | | 0.00% |
| 14 | | | | 0.00% |
| 15 | | | | 0.00% |
| 16 | | | | 0.00% |
| 17 | | | | 0.00% |
| 18 | | | | 0.00% |
| 19 | | | | 0.00% |
| 20 | | | | 0.00% |
| 21 | | | | 0.00% |
| 22 | | | | 0.00% |
| 23 | | | | 0.00% |
| 24 | | | | 0.00% |
| 25 | | | | 0.00% |
| 26 | | | | 0.00% |
| 27 | | | | 0.00% |
| 28 | | | | 0.00% |

Validated By:

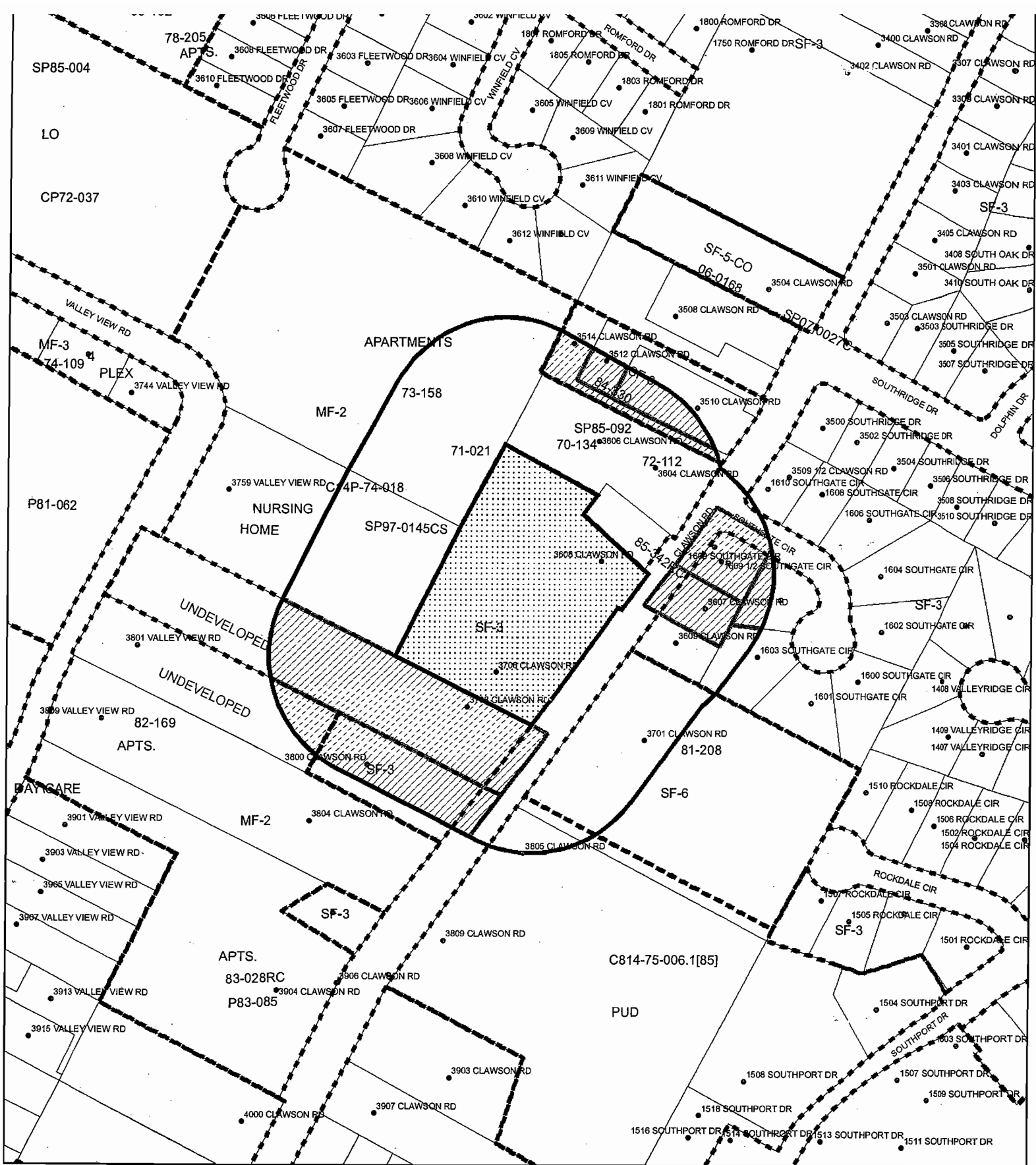
Stacy Meeks

Total Area of Petitioner:

128,117.59

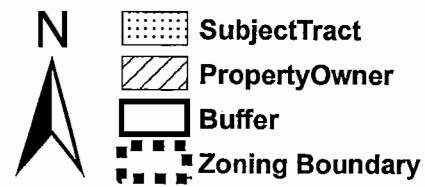
Total %

34.09%



PETITIONS

CASE#: C14-2007-0067
 ADDRESS: 3608 & 3706 CLAWSON RD
 GRID: G19
 CASE MANAGER: W. WALSH



1" = 200' OPERATOR: SM

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.